

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HOWARD BERRY and DAVID BERRY,
individually and on behalf of all others similarly
situated.

Plaintiffs,

V.

TRANSDEV SERVICES, INC. f/k/a VEOLIA
TRANSPORTATION SERVICES, INC.;
TRANSDEV NORTH AMERICA, INC., f/k/a
VEOLIA SERVICES, INC.; and FIRST
TRANSIT, INC.,

Defendants.

Case No.: 2:15-cv-01299-RAJ

DECLARATION OF BREANNE MARTELL IN SUPPORT OF DEFENDANT FIRST TRANSIT, INC.'S MOTION TO DISMISS TRANSDEV SERVICES, INC.'S CROSS-CLAIM FOR FAILURE TO STATE A CLAIM

**NOTING DATE: NOVEMBER 18,
2016**

I, Breanne Martell, declare as follows:

1. I am an attorney at Littler Mendelson, P.C., counsel for Defendant First Transit, Inc. I am over eighteen years of age and have personal knowledge of the information stated herein.

2. On October 20, 2016, I held a telephone conference with Transdev's counsel, Anthony Todaro, to discuss the substantive grounds for First Transit's Motion to Dismiss Transdev's Cross-Claim. The parties were unable to agree on a potential resolution short of First Transit filing the Motion.

**DECL. OF BREANNE MARTELL IN SUPPORT OF
FIRST TRANSIT, INC.'S MOTION TO DISMISS
TRANSDEV'S CROSS-CLAIM - 1
Case No. 2:15-cv-01299-RAJ**

LITTLER MENDELSON, P.C.
One Union Square
600 University Street, Suite 3200
Seattle, WA 98101-3122
206 623 3300

3. Attached as **Exhibit 1** is a true and correct copy of the Paratransit Service Operator Contract Between King County and Veolia Transportation Services, Inc. ("the Transdev contract"), which was provided to us by Transdev's counsel in this matter.

4. Attached as **Exhibit 2** is a true and correct copy of the Paratransit Control Center Contract Between King County and First Transit, Inc. (“the First Transit contract”), which was produced in this litigation with Bates numbers FT 0001 through FT 0225.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed at Seattle, Washington, this 24th day of October, 2016.

s/ Breanne Martell
Breanne Martell, WSBA #39632
bsmartell@littler.com

**DECL. OF BREANNE MARTELL IN SUPPORT OF
FIRST TRANSIT, INC.'S MOTION TO DISMISS
TRANSDEV'S CROSS-CLAIM - 2
Case No. 2:15-cv-01299-RAJ**

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206.623.3300

CERTIFICATE OF SERVICE

I am a resident of the State of Washington, over the age of eighteen years, and not a party to the within action. My business address is One Union Square, 600 University Street, Ste. 3200, Seattle, WA 98101. On October 24, 2016, I

X ELECTRONICALLY FILED the foregoing document(s) with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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Attorneys for Transdev Defendants

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on October 24, 2016, at Seattle, Washington.

s/ Sally Swearinger
Sally Swearinger
sswearinger@littler.com
LITTLER MENDELSON, P.C.

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**DECL. OF BREANNE MARTELL IN SUPPORT OF
FIRST TRANSIT, INC.'S MOTION TO DISMISS
TRANSDEV'S CROSS-CLAIM - 3
Case No. 2:15-cv-01299-RAJ**

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